

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SHERMAN ROY SAPP,)	
)	
Plaintiff,)	
)	
vs.)	CV 05-J-2028-S
)	
NADIS CARLISLE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on October 25, 2005, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff filed objections to the report and recommendation on November 8, 2005.¹

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for

¹ As part of his objections, the plaintiff argues that he is protected by the tolling provisions of Alabama Code § 6-2-8. However, effective May 17, 1996, § 6-2-8 was amended so that it no longer provides a tolling provision for persons imprisoned.

failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this 16th day of November, 2005.

A handwritten signature in cursive script, reading "Inge Prytz Johnson", is written over a horizontal line.

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE